

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

VHS OF MICHIGAN, INC., d/b/a
THE DETROIT MEDICAL CENTER
(Michael Palazzolo),

CASE NO.
HON. 17-13121

STATE CASE NO. 2017-160464-NF
HON. SHALINA KUMAR

Plaintiff,

vs.

NATIONAL INDEMNITY COMPANY,

Defendant.

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**NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT, EASTERN
DISTRICT OF MICHIGAN**

NOW COMES Defendant, NATIONAL INDEMNITY COMPANY, by and through its attorneys, KEVIN J. PLAGENS, BRAEDEN R. WILLOUGHBY, and KOPKA PINKUS DOLIN PC, and respectfully notifies this Court of the removal of the above civil action from the Circuit Court of Michigan, Oakland County, to the United States District Court for the Eastern District of Michigan, and states as follows:

1. On August 22, 2017, Plaintiff, VHS OF MICHIGAN, INC., d/b/a THE DETROIT MEDICAL CENTER (“Plaintiff”) filed an action against Defendant, NATIONAL

INDEMNITY COMPANY (“Defendant”) in the Circuit Court for Oakland County, Michigan, under Case Number 2017-160464-NF.

2. Defendant was served with a copy of the Summons and Complaint *via* certified mail, on August 25, 2017.
3. The action is a civil action seeks payment of No-Fault benefits on behalf of the underlying claimant, Michael Palazzolo, alleging Defendant failed to make payments in violation of the Michigan No-Fault Act MCL 500.3101, et seq) and 42 U.S.C. §1395y(b)(2)(A)(ii); 42 U.S.C. §1395w-22; 42 C.F.R §422.402; 42 C.F.R §411.32; 42 C.F.R §422.108; and 42 C.F.R §423.462. [***Exhibit A, Summons and Plaintiff’s Complaint***]
4. This Court has jurisdiction over this case based on federal question jurisdiction pursuant to 28 U.S.C. §1331.
5. This Court has supplemental jurisdiction over the state law claim in the case pursuant to 28 U.S.C. §1367(a).
6. For its federal law claim, Plaintiff alleges that Defendant breached its statutory and contractual duties to make payments for No-Fault benefits and is otherwise in vioation of 42 U.S.C. §1395y(b)(2)(A)(ii); 42 U.S.C. §1395w-22; 42 C.F.R §422.402; 42 C.F.R §411.32; 42 C.F.R §422.108; and 42 C.F.R §423.462. [***Exhibit A, Second Cause of Action***]
7. For its state law claim, Plaintiff alleges that Defendant refused to pay for the reasonable and customary charges of Plaintiff and as a result, breached its contractual and/or statutory obligations to provide No-Fault benefits to the underlying claimant pursuant to the Michigan No-Fault Act MCL 500.3101, et seq. [***Exhibit A, First Cause of Action***]

8. Plaintiff's federal law claim arises from the same common nucleus of operative facts and are so intertwined with and related to Plaintiff's state law claim that it forms part of the same case or controversy as that federal claim, over which this Court has original jurisdiction.
9. Venue is proper pursuant to 28 U.S.C. §1391 because Oakland County, Michigan, is contained within the Eastern District of Michigan.
10. All the prerequisites have been met for this civil action to be removed to this Court by Defendant pursuant to 28 U.S.C. §1441(a) and (b).
11. This Notice of Removal is timely filed because it was filed within thirty (30) days after receipt by Defendants of Plaintiff's initial pleading on August 25, 2017. See 28 U.S.C. § 1446(b).
12. Defendant will give written notice of the filing of this Notice of Removal to all parties, and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Michigan, Oakland County, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant, NATIONAL INDEMNITY COMPANY, hereby respectfully notifies this Court of the removal of this action from the Circuit Court of Michigan, Oakland County.

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

Date: September 22, 2017

By: /s/ Braeden R. Willoughby
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PROOF OF SERVICE

The undersigned certifies that **September 22, 2017**, she served a copy of the foregoing document upon each of the attorneys of record, this Proof of Service with the Clerk of the Court via the E-Filing System and via US Mail to all counsel of record.

/s/ Lynnette Rogers

Lynnette Rogers